

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Shree A. Dandekar, Shannon C. Boesch, David A. Butts  
Assignee: Dell Products L.P.  
Title: Method and System for Automated Validation, Scripting, Dissemination and Installation of Software  
Serial No.: 10/657,989 Filed: September 9, 2003  
Examiner: Qing Chen Group Art Unit: 2191  
Docket No.: DC-05164 Customer No.: 33438

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Austin, Texas  
January 10, 2008

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**APPEAL BRIEF UNDER 37 CFR § 41.37**

Dear Sir:

Applicant submits this Appeal Brief pursuant to the Notice of Appeal filed in this case on September 10, 2007. The fee for this Appeal Brief is being paid electronically via the USPTO EFS. The Board is authorized to deduct any other amounts required for this appeal brief and to credit any amounts overpaid to Deposit Account No. 502264.

**I. REAL PARTY IN INTEREST - 37 CFR § 41.37(c)(1)(i)**

The real party in interest is the assignee, Dell Products L.P., as named in the caption above and as evidenced by the assignment set forth at Reel 014479, Frame 0853.

**II. RELATED APPEALS AND INTERFERENCES - 37 CFR § 41.37(c)(1)(ii)**

Based on information and belief, there are no appeals or interferences that could directly affect or be directly affected by or have a bearing on the decision by the Board of Patent Appeals and Interferences in the pending appeal.

### **III. STATUS OF CLAIMS - 37 CFR § 41.37(c)(1)(iii)**

Claims 1, 3-8, 10-15 and 17-20 are pending in the application. Claims 1, 3-8, 10-15 and 17-20 stand rejected. The rejection of claims 1, 3-8, 10-15 and 17-20 is appealed. Appendix “A” contains the full set of pending claims.

### **IV. STATUS OF AMENDMENTS - 37 CFR § 41.37(c)(1)(iv)**

Independent claims 1, 8, and 15 were amended by Applicants’ Response filed on February 6, 2007, and by Applicants’ Response to Final Office Action filed on August 9, 2007, to add limitations directed to a compliance server that is operable to perform compliance verification to confirm that a software file complies with “a predetermined set of software rules.” The compliance server limitation was recited in dependent claims 2, 9, and 16, which were cancelled after this limitation was added to the independent claims. The independent claims were further amended in the Response to Final Office Action to clarify that the compliance verification is conducted by verifying that the software file complies with a predetermined set of software rules. Claims 3, 10, and 17 were amended in the Response to Final Office Action filed on August 9, 2007, to correct their dependencies.

### **V. SUMMARY OF CLAIMED SUBJECT MATTER - 37 CFR § 41.37(c)(1)(v)**

Independent claim 1 recites limitations for a system for automated dissemination of software to an information handling system. The system comprises: a distribution server operable to receive a software file (Specification, page 6, line 21- page 7, line 6; Figure 3); a repack and script regeneration server operably connected to said distribution server, said repack and script regeneration server operable to disassemble said software file and repackage said software file with scripts for automatically controlling the transfer of said software file (Specification, page 7, lines 14-22; Figure 3); a script validation server operably coupled to said repack and script regeneration server and said distribution server, said script validation server operable to generate commands to automatically control the downloading of software images of said software file to a target information handling system (Specification, page 6, line 24-page 7, line 23; Figure 3); a compliance server operably connected to said distribution server, said compliance server being

operable to perform compliance verification to confirm that said software file complies with a predetermined set of software rules (Specification, page 6-page 7, line 13; Figure 3); and a download server operable to transfer said software file to a target information handling system after verifying that said software file complies with a predetermined set of software rules (Specification, page 7, lines 17-22; Figure 3).

Independent claim 8 recites limitations for a method for automated dissemination of software to an information handling system. The method comprises: receiving a software file (Specification, page 6, lines 21-25; Figure 3); disassembling said software file and repackaging said software file with scripts for automatically controlling the transfer of said software file (Specification, page 7, lines 14-22; Figure 3); generating commands to control the automatic downloading of software images of said software file to a target information handling system (Specification, page 7, lines 19-23; Figure 3); using a compliance server to perform compliance verification to confirm that said software file complies with a predetermined set of software rules (Specification, page 6, line 24-page 7, line 13; Figure 3); and transferring said software file to a target information handling system after verifying that said software file complies with a predetermined set of software rules (Specification, page 7, lines 17-22; Figure 3).

Independent claim 15 recites limitations for an information handling system. The information handling system comprises: a data processor (Specification, page 5, lines 19-25; Figure 2); and a data storage having a software file stored thereon, said software file being transferred to said data storage by an automated software dissemination system (Specification, page 5, lines 19-25; Figure 2). The software dissemination system comprises: a distribution server operable to receive a software file (Specification, page 6, line 21- page 7, line 6; Figure 3); a repack and script regeneration server operably connected to said distribution server, said repack and script regeneration server operable to disassemble said software file and repackage said software file with scripts for automatically controlling the transfer of said software file (Specification, page 7, lines 14-22; Figure 3); a script validation server operably coupled to said repack and script regeneration server and said distribution server, said script validation server operable to generate commands to automatically control the downloading of software images of said software file to said information handling system (Specification, page 6, line 24-page 7,

line 23; Figure 3); a compliance server operably connected to said distribution server, said compliance server being operable to perform compliance verification to confirm that said software file complies with a predetermined set of software rules (Specification, page 6-page 7, line 13; Figure 3); and a download server operable to transfer said software file to said information handling system after verifying that said software file complies with a predetermined set of software rules (Specification, page 7, lines 17-22; Figure 3).

## **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

In the Final Office Action dated April 9, 2007, the Examiner provisionally rejected claims 1, 3, 5-8, 10, 12-15, 17, 19, and 20 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 4-9, 12-17, and 20-24 of co-pending Application No. 10/768,823 (hereinafter “the ‘823 Application”) in view of U.S. Patent No. 6,075,943 to Feinman (“Feinman”) and further in view of U.S. Patent No. 5,991,543 to Amberg et al. (“Amberg”). Applicants have requested that this rejection be held in abeyance until receipt of an indication of allowable subject matter. Therefore, the aforementioned rejection is not submitted for review in this appeal.

Claims 1, 3, 5, 6, 8, 10, 12, 13, 15, 17, 19, and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Amberg in view of Feinman.

Claims 4, 11, and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Amberg in view of Feinman as applied to claims 1, 8, and 15, and further in view of U.S. Patent No. 6,088,803 to Tso et al. (“Tso”).

Claims 7 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Amberg in view of Feinman as applied to claims 1, 8, and further in view of U.S. Patent No. 6,378,054 to Karasudani et al. (“Karasudani”).

Applicants appeal the rejection of independent claims 1, 8, and 15 under 35 U.S.C. §103(a) as being unpatentable over Amberg in view of Feinman. For the reasons set forth below, Applicants submit that these claims are allowable over the art of record and, therefore, the other rejections will be rendered moot since all of the remaining claims are allowable as being dependent on an allowable base claim.

## **VII. ARGUMENTS**

Applicants' invention relates to an automated system for validation, scripting, dissemination and installation of software on information handling systems. Before installation on an information handling system, a candidate software package is processed to verify compliance in accordance with a predefined set of software rules. If this compliance verification step indicates that the software does not comply with the predefined rules, a compliance failure notice is generated to provide details regarding the nature of the compliance failure.

Independent claims 1, 8, and 15 were amended by Applicants' Response filed on February 6, 2007, and by Applicants' Response to Final Office Action filed on August 9, 2007, to add limitations directed to a compliance server that is operable to perform compliance verification to confirm that a software file complies with "a predetermined set of software rules." The compliance server limitation was recited in dependent claims 2, 9, and 16, which were cancelled after this limitation was added to the independent claims. The independent claims were further amended in the Response to Final Office Action to clarify that the compliance verification is conducted by verifying that the software file complies with a predetermined set of software rules.

Examiner originally rejected dependent claims 2, 9 and 16 under 35 U.S.C. §103(a) based on the combination of Amberg as modified by Feinman. Specifically, Examiner alleged that the features recited in originally submitted dependent claims 2, 9, and 16 are disclosed by Amberg in Col. 9, lines 9-16. The cited portion of the Amberg reference describes a system wherein various components are compared to a "component table" prior to installation on an information handling system. The cited portion of Amberg does not provide a teaching of a compliance server that is operable to perform compliance verification to confirm that a software file complies with a predetermined set of software rules, as recited in amended independent claims 1, 8 and 15.

The combination of limitations recited in independent claims 1, 8 and 15, as amended, are not taught by the combination of Amberg and Feinman, nor by any of the other art references of record. Applicants respectfully submit that independent claims 1, 8 and 15, as amended, are patentable over the art of record and, therefore, the rejection of these claims under 35 U.S.C. §103(a) should be removed. Applicants further submit that

all remaining dependent claims are patentable as being dependent on an allowable base claim.

**VIII. CLAIMS APPENDIX - 37 CFR § 41.37(c)(1)(viii)**

A copy of the pending claims involved in the appeal is attached as Appendix "A."

**IX. EVIDENCE APPENDIX - 37 CFR § 41.37(c)(1)(ix)**

None.

**X. RELATED PROCEEDINGS APPENDIX - 37 CFR § 41.37(c)(1)(x)**

There are no related proceedings.

**XI. CONCLUSION**

In view of the above arguments, it is respectfully urged that the rejection of the claims should not be sustained.

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Respectfully submitted,

*/Gary W. Hamilton/*

Gary W. Hamilton  
Attorney for Applicants  
Reg. No. 31,834

## APPENDIX A - PENDING CLAIMS

1. (Previously Presented) A system for automated dissemination of software to an information handling system, comprising:

- a distribution server operable to receive a software file;
- a repack and script regeneration server operably connected to said distribution server, said repack and script regeneration server operable to disassemble said software file and repackage said software file with scripts for automatically controlling the transfer of said software file;
- a script validation server operably coupled to said repack and script regeneration server and said distribution server, said script validation server operable to generate commands to automatically control the downloading of software images of said software file to a target information handling system;
- a compliance server operably connected to said distribution server, said compliance server being operable to perform compliance verification to confirm that said software file complies with a predetermined set of software rules;

and

a download server operable to transfer said software file to a target information handling system after verifying that said software file complies with a predetermined set of software rules.

2. (Cancelled)

3. (Previously Presented) The system of claim 1, wherein said compliance server is operable to automatically generate a non-compliance notice message upon detection that said software file does not comply with said predetermined set of rules.

4. (Original) The system of claim 1, wherein said distribution server is operable to scan said software file for viruses.

5. (Original) The system of claim 1, further comprising a test control server operable to confirm the download of said software file to said target information handling system and to verify proper operation of said software file on said target information handling system.

6. (Previously Presented) The system of claim 1, wherein said distribution server is operable to notify a manager regarding the status of said software file within a software distribution system.

7. (Previously Presented) The system of claim 1, further comprising an archive server, wherein said repack and script regeneration server is operable to transfer copies of said software file to said archive server for storage thereon.

8. (Previously Presented) A method for automated dissemination of software to an information handling system, comprising:  
receiving a software file;  
disassembling said software file and repackaging said software file with scripts for automatically controlling the transfer of said software file;  
generating commands to control the automatic downloading of software images of said software file to a target information handling system;  
using a compliance server to perform compliance verification to confirm that said software file complies with a predetermined set of software rules;  
and  
transferring said software file to a target information handling system after verifying that said software file complies with a predetermined set of software rules.

9. (Cancelled)

10. (Previously Presented) The method of claim 8, further comprising the step of generating a non-compliance notice message upon detection that said software file does not comply with said predetermined set of rules.

11. (Original) The method of claim 8, further comprising the step of scanning said software file for viruses.

12. (Previously Presented) The method of claim 8, further comprising the steps of confirming the download of said software file to said target information handling system and confirming proper operation of said software file on said target information handling system.

13. (Previously Presented) The method of claim 8, further comprising the step of notifying a manager regarding the status of said software file within a software distribution system.

14. (Previously Presented) The method of claim 8, further comprising the step of transferring copies of said software file to an archive server for storage thereon.

15. (Previously Presented) An information handling system, comprising:  
a data processor; and  
a data storage having a software file stored thereon, said software file being transferred to said data storage by an automated software dissemination system comprising:  
a distribution server operable to receive a software file;  
a repack and script regeneration server operably connected to said distribution server, said repack and script regeneration server operable to disassemble said software file and repackage said

software file with scripts for automatically controlling the transfer of said software file;

a script validation server operably coupled to said repack and script regeneration server and said distribution server, said script validation server operable to generate commands to automatically control the downloading of software images of said software file to said information handling system;

a compliance server operably connected to said distribution server, said compliance server being operable to perform compliance verification to confirm that said software file complies with a predetermined set of software rules;

and

a download server operable to transfer said software file to said information handling system after verifying that said software file complies with a predetermined set of software rules.

16. (Cancelled)

17. (Previously Presented) The system of claim 15, wherein said compliance server is operable to automatically generate a non-compliance notice message upon detection that said software file does not comply with said predetermined set of rules.

18. (Original) The system of claim 15, wherein said distribution server is operable to scan said software file for viruses.

19. (Original) The system of claim 15, further comprising a test control server operable to confirm the download of said software file to said information handling system and to verify proper operation of said software file on said target information handling system.

20. (Previously Presented) The system of claim 15, wherein said distribution server is operable to notify a manager regarding the status of said software file within a software distribution system.

**EVIDENCE APPENDIX - 37 CFR § 41.37(c)(1)(ix)**

None

**RELATED PROCEEDINGS APPENDIX - 37 CFR § 41.37(c)(1)(x)**

There are no related proceedings.